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and an order of nisi prius made, embodying the same; the court refuse to set aside such order, notwithstanding that D. made affidavit that the action *C. vs. D.* was settled without his authority, and that, though present in court at the time, he did not understand what was going on. *Chambers vs. Mason*, 5 C. B. N. S. 50; 5 Jur. N. S. 148; 28 L. J. C. P. 10.

Held, also, that a proceeding between the parties for a new trial is not a proper mode of inquiring into the authority of counsel to compromise the action between them. *Ib.*

*Bill of Exchange—Proof of Consideration.*—On the making of a bill of exchange, it was agreed between the drawer and the acceptor that the latter should deposit with the drawer some canvas as a collateral security for the payment of the bill, with power to the drawer to sell the canvas and apply the proceeds in discharge of the bill if it was not paid at maturity: Held, that this agreement created an equity attaching to the bill in the hands of a party to whom the bill was endorsed when it was overdue; and that as the drawer after the endorsement had sold the canvas and retained the proceeds, the endorsee was debarred from recovering on the bill for so much as the canvas realized on the sale. *Holmes vs. Kidd*, 3 H. & N. 891; 5 Jur. N. S. 295; 28 L. J. Exch. 112; 7 W. R. 108; 33 L. T. 207. Exch. Cham.

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#### NOTICES OF NEW BOOKS.

ELEMENTS OF MEDICAL JURISPRUDENCE. By THEODORIC ROMEYN BECK, M. D., LL.D., Professor of Materia Medica in the Albany Medical College, Member of the Amer. Philos. Society, Hon. Member of the Medical Societies of Rhode Island and Connecticut, etc. etc.; and JOHN B. BECK, M.D., Professor of Materia Medica and Medical Jurisprudence in the College of Physicians and Surgeons of New York; Corresponding Member of the Royal Academy of Medicine of Paris; Corresponding Member of the Medical Society of London, etc. etc. etc. Eleventh Edition. With Notes by an association of the friends of Dr. Beck. The whole revised by C. R. GILMAN, M. D., Professor of Medical Jurisprudence in the College of Physicians and Surgeons of New York. In Two Volumes. Philadelphia: J. B. Lippincott & Co. 1860.

“Medical Jurisprudence, Legal Medicine, or Forensic Medicine, as it is variously termed, is that science which applies the principles and practice of the different branches of medicine, to the elucidation of doubtful questions in courts of justice. By some authors, it is used in a more extensive sense, and also comprehends *medical police*, or those medical precepts which may prove useful to the legislature or the magistracy.”

The first work professing to treat of medical jurisprudence that appeared in England was the production of Dr. Fair. This was in 1788, and in his preface, he mentions that it is derived from Fazellius' Elements of Forensic Medicine. It is brief and imperfect, extending only to one hundred and forty duodecimo pages. It arrived at a second edition in 1814. The Medical Ethics of Percival contain some useful facts; and Dr. William Hunter, in his essay "On the Uncertainty of the Signs of Murder in the Case of Bastard Children," examined a most important and leading subject in medical jurisprudence. In 1815, Dr. Bartley, of Bristol, published a few essays on some points connected with midwifery. Dr. Male, of Birmingham, in 1816, presented the first English original work of any magnitude or value on medical jurisprudence. A second edition appeared in 1818. In 1821, Dr. John Gordon Smith published his excellent treatise, entitled "The Principles of Forensic Medicine Systematically Arranged and Applied to British Practice." This work has passed through several editions. Dr. Smith also published separate treatises on medical evidence, and on the examination of witnesses, and was much engaged as a lecturer on the science.

In 1823, an elaborate and able work on "Medical Jurisprudence," in three octavo volumes, was offered to the British public by the eminent Dr. Paris and Mr. Fonblanque, a barrister. Since that time the manual of Dr. Ryan, the valuable and copious treatise of Prof. Christison, on Poisons, undoubtedly the best in the language, and the contributions of the writers in the Cyclopaedia of Practical Medicine, are among the most important additions to our knowledge of the subject. We must also subjoin to these the treatises of Dr. Montgomery, Mr. Taylor, and Mr. Watson, and the lectures of Drs. Cummin, A. T. Thompson, and Southwood Smith; and again, we have to refer to the works of Dr. Traill, Dr. Guy, and Mr. Taylor, as continuing the list of English systematic writers on the science.

We must not, however, omit to mention the many valuable as well as original communications in the science contained in the British medical periodicals, and particularly in the Edinburgh Medical and Surgical Journal. Here, the productions of Drs. Andrew Duncan (Junior) and Christison are to be found, illustrating every subject on which they touch.

*Dr. Andrew Duncan (Junior) was the first Professor of Medical Jurisprudence in any British University.* His venerable father had for some years previous urged its importance on the public, and even delivered a

course of private lectures, but it was not until 1806, that Dr. Duncan, Junior, received his appointment.<sup>1</sup>

On the removal of Dr. Duncan to the chair of *Materia Medica*, he was succeeded by Dr. Christisson, who again, on the death of the former, succeeded his teacher and friend. Dr. Traill is the present professor of medical jurisprudence at Edinburgh. Among the earlier lecturers on this science in Great Britain, may be named Dr. Geo. Pearson, W. T. Brande, Esq., Dr. Harrison, Dr. Elliotson, Dr. Gordon Smith, and Dr. Ryan. By a regulation of the Society of Apothecaries, adopted a few years since, an attendance on a course of lectures on forensic medicine was made a requisite for examination, and the result has been a large increase in the number of teachers. Every medical school had its lectures on this branch, and continues to retain them up to the present time.

In 1810, Dr. Rush, of this city, delivered an introductory lecture in the University of Pennsylvania, (published in 1811,) in which he dwelt in an eloquent and impressive manner on the importance of the study. In 1819, Dr. Thos. Cooper, formerly a judge in Pennsylvania, and lately President of the College of South Carolina, republished in one volume several English tracts on medical jurisprudence, viz: Farr, Dease, Male, together with Haslam on Insanity. To these he added copious notes, and a digest of the law relative to insanity. This compilation has proved a very useful introduction to the study of the science. If to these be added the publication of the different editors of the present work, the reprints of Ryan and Chitty, the former with notes by Dr. Griffiths, Prof. Ducatel's *Manual of Toxicology*, and the *Manual of Dr. Williams*, the principal American publications on the science up to 1838 have been mentioned. To these must be added the reprint of Guy's *Principles of Forensic Medicine*, edited by Prof. Charles A. Lee; of two editions of Taylor's *Medical Jurisprudence*, with notes and additions by Dr. Griffiths; the republication of Dr.

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<sup>1</sup> It is now difficult to believe that the ministry of the day were violently attacked for this appointment. Yet such was the fact. Mr. Percival, in the House of Commons, declared that he was at a loss to understand what they (the Fox ministry) could mean by the appointment of a Professor of Medical Jurisprudence; he could not comprehend what was meant by the science. Mr. Canning, in the same debate, said he could alone account for such a nomination, by supposing that in the swell of insolence, and to show how far they could go, they had said: We will show them what we can do, we will create a Professor of Medical Jurisprudence.—See *New Ann. Reg.*, 1807, pp. 206, 210.

Christisson's and Mr. Taylor's Treatises on Poisons; and also, of Dr. Traill's Outlines of his Lectures on Medical Jurisprudence, and Prof. Dean's volume, entitled "Principles of Medical Jurisprudence."

The individual who first delivered a course of lectures on Medical Jurisprudence in this country, was the late James S. Stringham, M.D., of New York. In 1804, he delivered lectures on legal medicine. Their popularity secured their repetition during each succeeding session, until his resignation.

In 1812-13, Dr. Chas. Caldwell, (late of the Louisville Medical College, Kentucky,) delivered a course of lectures on Medical Jurisprudence at Philadelphia. In 1815, Dr. Beck was appointed to this duty in the Western Medical College. Soon after, Dr. Walter Channing was appointed Professor of Midwifery and Medical Jurisprudence in Harvard University. Since 1823, all of our medical schools have more or less made it a subject of instruction. Such is a brief statement of the rise of this modern science, derived from the interesting introduction of the volume before us.

This is the *eleventh* edition of Dr. Beck's work; and it is given to us from the hands of his friends, the learned author having died while collecting the material for this new and enlarged edition. It is pleasing to record, that no less than nine of the author's professional brothers have been willing to aid in the preparation of and adjustment of his papers, and collected facts for the press. The well-known names of these gentlemen assure us that they would leave nothing undone which intelligent skill and thorough investigation could accomplish, and any reader who will examine their labors cannot fail to reach the like conclusion. The work may be considered as the complete exponent of all the best authenticated knowledge we possess in this field of human learning at the present moment, and we confess to have read it with deep interest and much instruction.